

**GAO ASSESSMENT OF UNITED STATES JUDICIAL
AND POLICE REFORM ASSISTANCE IN HAITI**

HEARING
BEFORE THE
**COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES**
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GAO ASSESSMENT OF UNITED STATES JUDICIAL AND POLICE REFORM ASSISTANCE IN HAITI

TUESDAY, SEPTEMBER 19, 2000

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committee met, pursuant to notice, at 10:09 a.m. in room 2172, Rayburn House Office Building, Hon. Benjamin A. Gilman (Chairman of the Committee) presiding.

Chairman GILMAN. The Committee will come to order.

This morning we will hear testimony from the General Accounting Office regarding the preliminary results of GAO's review of United States assistance that we have been providing to Haiti's justice system.

On September 19, 1994, President Clinton ordered 20,000 American troops to go to Haiti to restore the democratically elected government of President Jean-Bertrand Aristide. These men and women from our armed forces were directed into harm's way to uphold the rule of law. The purpose of this hearing is to examine just what Haiti's governmental leaders have done since 1994 to further the rule of law with our assistance.

Between 1995 and 1999, our government has provided \$97 million in bilateral assistance to Haiti's justice system. Some \$65 million of that money was directed to training and equipping the Haitian National Police.

Haiti's judicial system has been exceedingly weak and subject to manipulation. Drug traffickers and persons implicated in political killings have been enjoying impunity. Opponents of Haiti's current government have, from time to time, been kept in jail despite judicial orders for their release. Many more Haitians languish behind bars waiting for trials that may never happen.

United States judicial reform in Haiti has foundered in a sea of the Haitian Government's indifference. Haiti's leaders simply do not have the political will to pursue meaningful judicial reform. Apparently they prefer to manipulate the justice system and extract wealth from their country's state owned monopolies.

The recent election process revealed how completely the Haitian National Police has been politicized by the ruling Lavalas Family party. In the run up to the May 21 elections, some 15 persons, principally from opposition political parties, were murdered. Police have made no progress in resolving those crimes.

Prior to and after the election, violent street demonstrations were staged by the governing Lavalas Family party. On a number of occasions, the police just stood by and failed to protect peaceful opposition rallies from those pro-government vigilantes.

After the polls closed on election day, police officers were seen carting away election returns. Immediately following the election, a large number of opposition politicians were arbitrarily arrested by the U.S. trained police.

Last year, the Lavalas Family party led protests seeking the ouster of police director Pierre Denize and State Security Secretary Robert Manuel. Mr. Manuel was forced to resign and fled Haiti in October 1999. Subsequently, the HNP's Inspector General, Eucher Joseph, was forced to quit his post.

Major narcotics traffickers have been operating freely in Haiti. The Administration has now decertified Haiti with a waiver for 2 consecutive years. Drug corruption of Haitian officials is a serious problem that needs to be dealt with directly and honestly.

In a rare bit of good news earlier this month, four police officers implicated in a May 28, 1999 killing of 11 people in a Port-au-Prince slum were convicted and sentenced to 3 years in prison. This is an important precedent. Without an independent police Inspector General and a justice system with integrity, however, this judgment will likely stand as an isolated exception.

The creation of the Haitian National Police gave us all hope that Haitians would be able to count on a professional, apolitical police force to foster a climate of security that would allow the Haitian economy to recover and to grow. Sadly, the initial work that was done by the Administration to recruit and train a cadre of competent police officers has been severely undermined.

The Haitian National Police has become a largely ineffective law enforcement organization. Absent fundamental changes to reverse corruption and politization, no amount of United States assistance is going to be able to restore credibility to the Haitian National Police.

At this time I would like to recognize the Ranking Minority Member of our Committee, the gentleman from Connecticut, Mr. Gejdenson.

Mr. GEJDENSON. Thank you, Mr. Chairman.

Clearly I think everybody who has been watching Haiti is disappointed at the electoral process. The sad fact that our poorest neighbors in this hemisphere have continued to suffer and be deprived of democratic opportunities, free and fair elections and a better standard of living is something of great frustration.

I think that the Congress has not necessarily been the most helpful in forming a Haiti policy. Clearly the failures within Haiti are the leading cause, but it is clear to me that America and other democracies in the hemisphere have to continue to make every effort to establish a civil order, to establish a political process and an economy that gives more Haitians an opportunity to participate.

So while all of us are frustrated by the continued lack of democratic progress in Haiti, I do think that Congress needs to play a more positive role in trying to maintain a commitment to developing those things that we speak of so often.

You know, we spent a half a century with a large military force in Germany to make sure that it was not overrun, and I think we do not need a large military force and billions of dollars to try and help Haiti, but we do have to have a sustained effort, and hopefully we will see that in a bipartisan manner.

Chairman GILMAN. Mr. Delahunt.

Mr. DELAHUNT. Thank you, Mr. Chairman. I will be very brief because I am anxious to hear the testimony from these witnesses.

I think it is really important that we put events in Haiti in a historical context. Some of what you stated in your opening remarks I agree with, some of which I disagree with, but without the benefit of a historical context I think we do a disservice to those that are interested in this particular issue.

Prior to 1995, much of what occurred in Haiti was remarkable in its degree of human rights violations, human rights abuses, and the reality of an entire population being terrorized. While there is much to criticize currently in Haiti, whatever is happening in Haiti today is better than what it was in the 1980's and during the coup years up to 1994. I think it is important for us to recognize that.

I share the frustration that has been articulated by many. I happened to be an observer during the elections that occurred on May 21. It was obvious to the observers during the course of that particular weekend that those elections were essentially valid and legitimate elections.

It was clear that Fanmi Lavalas had in most districts a significant plurality, but, true to Haiti's history, it is a zero-sum game, unfortunately, when it comes to democracy, and all this interested or shall I say objective observers criticized the tabulation of those particular results. There is international unanimity when it comes to the conclusion that the tabulation of the votes that were counted in Haiti violated the Haitian electoral law.

I consider that one of the most significant tragedies in the history of Haiti because for one brief moment there was an opportunity to change Haitian history, to change the history of a people that are the most impoverished in this hemisphere and among the most impoverished in this world. Only if. Only if.

It was close, but victory was snatched away by an attitude, a zero-sum game, the winner take all mentality that has characterized Haitian politics during the course of its 200 year history. How sad. How sad. To use the football metaphor, we were in the red zone. We were 2 yards from a touchdown which would have allowed—which I am absolutely convinced would have led to an irrefutable conclusion by the international community that this election would have been fair, free, and sure there were some administrative foul ups, but it was fundamentally a fair election.

I think that is truly sad, and unfortunately the leading figures in Haiti today in terms of Haitian politics failed to exercise the leadership that was so necessary. It could have happened, but let's go forward, and I yield back.

[Pause.]

I am just informed that the Chairman left, so we will be in recess until the Chairman returns unless the gentlelady from California has a statement.

We will be in recess until Chairman Gilman returns. I am told it will be 2 minutes, so put on your stopwatch, and we will see how accurate that is.

[Recess.]

Chairman GILMAN. The Committee will resume. I regret the delay. We had some floor business to take care of.

Mr. Hilliard.

Mr. HILLIARD. Thank you very much, Mr. Chairman. Mr. Chairman, I am very interested in what our panel has to say today, but I would like to echo what Congressman Delahunt has said about the historical perspective.

I was elected in 1992 to the U.S. Congress, and at that time Aristide had been disposed. I was one of those that took part in the negotiations in trying to get Aristide back to Haiti, and I remember some of the promises that were made by this country.

One of them that stands out in my mind was one that really sealed the deal of Aristide returning to Haiti with the commitment that he would not seek reelection the next term, and that the United States, I forgot the exact amount of moneys in terms of millions, would pay that amount of money to rebuild roads and to hire persons who at that time were unemployed and were a big factor in the problems that Haiti was experiencing.

That money never came, so the economy was never revived. Those workers were never employed, so during the final months of Aristide's Administration the economy never received the injection that it should have and that we had hoped for to get Haiti back on the road. Of course, he did not seek reelection.

Since that time, there has been a great deal of problems with trying to get funds to Haiti, commitments that have been made by the United States, because of a couple Senators not allowing funds or legislation to go forward dealing with Haiti.

Haiti has had many problems since then. Some of the problems are of its own making, but I think that we failed Haiti and we failed the Haitian people and we failed to seize upon an opportunity to export democracy to Haiti. No matter what is said by the panel this morning, there is very little that the United States can do to reconcile its failings of the past in relationship to not keeping its commitment to Haiti.

Mr. Chairman, thank you very much, and I am interested in hearing what the panelists have to say.

Chairman GILMAN. Thank you very much, Mr. Hilliard.

Do any other Members seek—Ms. Lee.

Ms. LEE. Thank you, Mr. Chairman.

I wanted to associate myself with Congressman Hilliard's remarks, and I also just want to add to that with regard to the judicial reform. It has disappointed Congress and disappointed many Haitians, but even with all of the difficulties with the elections, United States withdrawal from the reform process and also the United States withdrawal from Haiti, I do not think we are really helping move forward.

Thank you, Mr. Chairman, for this hearing. I look forward to listening to the panelists to determine really what is going on in terms of the judicial reform process and what, if anything, we can do to make it better.

Chairman GILMAN. I thank the gentlelady.

I just want to note that we received a press statement this morning that the Organization of American States announced yesterday that it is going to facilitate a dialogue in Haiti among the country's political forces and civil society. I think that is encouraging.

However, the full and transparent resolution of the actions that have de-legitimized the May 21 elections is only part of what should be on the agenda. A new credible and competent electoral authority is truly needed. Among other steps, real action to reverse corruption and politization of the Haitian National Police should be at the top of the agenda.

Let us now proceed with our hearing. On April 8, a group of violent protesters, some of whom were reportedly returning from the government organized funeral of slain journalist Jean Pierre Dominique, ransacked and burned the headquarters of the Confederation for Democratic Unity, KID, an opposition political party that is led by former Port-au-Prince Mayor Evans Paul.

Opposition leaders, expecting trouble on the day of Mr. Dominique's funeral, had implored the police chief to provide protection. When American Embassy officials learned of this attack, they immediately telephoned the Director General of the Haitian National Police and asked him to intervene and protect the opposition. Nevertheless, administration officials confirmed that although the Haiti National Police were present, they did not move quickly to intervene to stop this attack on the opposition headquarters building.

Before proceeding with our panel of witnesses, we will see the videotape of that incident. Members of the Committee will be able to see the gates of the opposition headquarters broken down by the mob. The video shows the police standing idly by.

After the opposition headquarters was already in flames, the video shows Haitian National Police in riot gear slowly approaching, but not passing beyond the gates in front of the burning building. Finally, the video shows the police allowing persons running away from the building to leave the scene of the crime.

I am going to ask Mr. Whittaker if he would display the video.
[Videotape shown.]

Chairman GILMAN. We will now proceed with our witness. Mr. Ford.

STATEMENT OF JESS T. FORD, ASSOCIATE DIRECTOR, INTERNATIONAL RELATIONS AND TRADE ISSUES, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION, U.S. GENERAL ACCOUNTING OFFICE

Mr. FORD. Thank you, Mr. Chairman and Members of the Committee. I am pleased to be here today to discuss the preliminary results of our review of the United States assistance provided to the Haitian justice system. I am accompanied today by two of my colleagues, Ms. Virginia Hughes and Mr. Juan Tapia-Videla, who led our team in this particular evaluation.

In September 1994, the United States and other countries intervened militarily into Haiti to restore the democratically elected government that had been overthrown by the Haitian military in September 1991. Before this intervention, the Haitian military con-

trolled the police and the judicial sector. Military and political cronies dominated these institutions, and the military influenced the appointments of magistrates and the decisions made by them. These justice institutions were widely regarded as ineffective and corrupt.

After the intervention of the United States stepping in to provide assistance to the Haitian justice system, both the police and the judicial sector aimed at developing a professional civilian police force, enhancing the effectiveness of the existing judicial organizations and improving the Haitian people's access to justice.

This assistance also aimed at supporting a broad reform of the judicial sector that the Haitian Government intended to pursue over time. The objectives of this assistance program were consistent with United States justice assistance objectives in other Latin America countries.

As you know, United States assistance to the judicial sector was suspended in July 2000 because the United States was not able to negotiate an agreement with the Haitian Government for continuing this type of effort. As of September 2000, most of the United States assistance to the Haitian police has stopped due to congressional concerns about the events surrounding the May 2000 Haitian parliamentary and local elections.

The U.S. Department of State is currently reassessing several aspects of the United States relationship with Haiti based on concerns about how votes were counted in the Haitian May 2000 parliamentary elections.

My statement today is based on work we are currently conducting for this Committee and for the Senate Foreign Relations Committee. First, I will discuss the results of the United States assistance that has been provided to the Haitian police and the judicial sector and some of the major problems that continue to affect these justice institutions. Second, I will discuss the primary factors that have affected the success of this assistance.

Our work is based on meetings with officials with the U.S. Departments of State and Justice, the U.S. Agency for International Development, U.S. Coast Guard and other U.S. agencies. To examine the results of this assistance, in June 2000 we sent a team into Haiti to observe firsthand the conditions on the ground and to meet with government officials, donor officials and others about the situation in Haiti. We also performed an extensive review of program documentation over the last 5 years of this effort. We expect to issue our report sometime in October 2000.

Over the past 6 fiscal years, the United States has provided about \$97 million in assistance to help Haiti establish its first civilian controlled police force and improve aspects of the judicial sector. About \$70 million of the assistance helped Haiti recruit, train, organize and equip a basic police force, including specialized units such as an anti-narcotics unit, a special investigation unit and the Haitian Coast Guard.

During the same period, the United States provided approximately \$27 million in assistance that led to improvements in the training of magistrates and prosecutors, the management practices of judicial institutions and access to the Haitian people to the justice systems. However, despite these achievements, the police force

has not effectively carried out its basic law enforcement responsibilities, and recent events suggest that politization has compromised the force according to U.S. and other donor officials.

The judicial sector has also had serious weaknesses, according to these officials. The sector has not undergone major reform and as a result lacks independence from the executive branch and has outdated legal codes and cumbersome judicial procedures.

Furthermore, the judicial institutions have personnel shortages, inadequate infrastructure and equipment, vehicles, legal texts and other types of supplies. They have an ineffective internal oversight organization that is unable to stem corruption. Overall, these institutions provide justice services to only a small segment of the population because the institutions rely heavily in judicial proceedings on the use of French, rather than Creole, which is the majority language of the population.

A key factor affecting the lack of success of United States assistance has been the Haitian Government's lack of commitment to addressing the major problems of its police and judicial institutions. United States assistance to the police has been impeded because the Haitian Government has not acted to strengthen the police organization by filling the current vacancy of the Inspector General, by providing human and physical resources needed to develop an effective police force, by supporting vigorously police investigations of serious crimes and to keep the police force out of politics.

United States assistance to the judicial sector has been largely undercut because the Haitian Government has not followed through with many of the broad reforms that are needed, has not assumed responsibility for adopting many of these improvements, and has not provided the physical and human resources needed to operate effectively.

This concludes my opening statement. I would be happy to answer any questions you may have.

[The prepared statement of Mr. Ford appears in the appendix.]

Mr. BALLENGER [presiding]. Excuse me. Do you have any additional statements?

Mr. FORD. That was a summary of my statement.

Mr. BALLENGER. I wonder if a copy was available.

Mr. Delahunt.

Mr. DELAHUNT. Well, Mr. Chairman, out of respect for yourself I will defer to the Chair to go first.

Mr. BALLENGER. Well, having come in late to the discussion, the one question that comes to my mind is are we still committing money to the operation, this assistance in Haiti? Do we still give them financial assistance on these matters?

Mr. FORD. My understanding is we are still providing some form of assistance primarily to the Haitian Coast Guard. The DEA still has a presence there and is working with the Haitians, but most of the police assistance and the judicial assistance has been stopped.

Mr. BALLENGER. Did you say DEA?

Mr. FORD. Yes. The DEA works on counter narcotics activities, and they do work with the Haitian counterparts and also with the Haitian Coast Guard.

Mr. BALLENGER. From what we hear, though, it is not terribly effective; at least the amount of drugs that seem to be coming through Haiti are rather substantial amounts, but to your understanding—

Mr. FORD. Yes. According to the State Department's most recent report on drug trafficking activities in Haiti, they indicated there has been I believe for 1999 the report had a 24 percent increase in drug trafficking activities in Haiti.

Our conversations at the Embassy clearly indicated that narcotics trafficking is a major problem in Haiti today, and there is a concern on both the government's part and our Embassy about where we may be headed in terms of narcotics problems in Haiti.

Mr. BALLENGER. Could you tell me what steps other donors such as Canada, who we sometimes disagree with, are taking with regard to the assistance of the Haitian National Police and the Haiti judiciary?

Mr. FORD. Yes. Canada has also been a major donor to the Haitian police over the last 5 years. They have worked in concert with our agency in terms of developing programs there.

Our understanding is that they also have some concerns regarding the commitment of the Haitian Government to enhancing their police. We understand that they have an agreement with the Haitians to continue the police academy, which we had been helping to fund for the last 5 years. We understand that the Canadians have reached an agreement with the Haitians to maintain the police academy, so that is a positive sign.

With regard to the other donors, I believe the French have a small effort in the judicial sector, and UNDP has also supported some judicial reform activity in Haiti.

Mr. BALLENGER. Does the GAO have any recommendations stemming from this review that you can share with us?

Mr. FORD. We are currently in the process of finalizing our report. We currently believe that, if the U.S. Government determines that it wants to reinvigorate our program in Haiti with regard to either the police and/or the judiciary, there ought to be more strict conditionality applied in terms of the agreement.

We have seen in work we have done in other countries in Latin America over the years on rule of law activities that unless you have the political will of the government, it is very difficult to have any kind of real meaningful major reform with either the police and/or the judiciary.

Certainly our programs in El Salvador have been generally successful because the government there has made a conscious effort to support the police and to make some judicial reforms.

We are currently thinking in terms of perhaps suggesting that, if we are going to continue there, we need to have more strict conditions apply to our assistance so that we have an active partnership with the Haitian Government.

Mr. BALLENGER. Mr. Delahunt.

Mr. DELAHUNT. Yes. Thank you, Mr. Chairman.

You know, you refer to this lack of political will, the lack of commitment. I think it is important at least for me to understand the intent of or the import rather of that particular phrase.

Do you mean that it is a resistance to change or simply inaction in terms of the necessary changes in the law of a commitment of resources, because I think that is very important to understand.

Mr. FORD. Yes. Let me see if I can help you out with that. First of all, as you acknowledged in your opening statement, Haiti is the poorest country in the western hemisphere. They do have limited financial resources that they can invoke to many things on the island, including support for police and judicial reform, so we recognize that, and we believe that context needs to be—will be included in our report.

We also think that the Haitians in some respects have backtracked on some initiatives that we think are important and that we think are a sign that maybe they have not been fully committed to the effort.

Mr. DELAHUNT. Such as?

Mr. FORD. A fine example would be the Inspector General's office. The Inspector General that had been there up until May before he left the country had been involved in investigations which resulted in 1,100 police officers being released from the force.

There has been no replacement made for the Inspector General, according to the Embassy officials we talked to on our trip down there. There are no active investigations underway currently on the island, so that is a sign to us that perhaps some of the political commitment that we would like to see on the part of the government just is not there at this point in time.

Mr. DELAHUNT. I would just point out again that Haiti is a nation that needs everything simultaneously. I think it is very important for the American people to understand that, and from May until September hopefully that appointment would have been made, but I would suggest that it is not egregious.

I was disappointed in the fact that Mr. Josef made a decision to leave as I had confidence in his integrity, and I think, as you indicate, his record speaks for itself. At the same time, I think we have a certain responsibility to acknowledge, too, that it was the U.S. Congress that put a hold on so-called MICUIH funding, which would have allowed monitoring of exactly the kind of abuses and allegations that Mr. Josef and the Inspector General's office was responsible for.

Would you agree with that statement? Are you aware of the hold on the MICUIH funding?

Mr. FORD. I guess we are not familiar with that specific hold, but let me comment on a couple of other things. That was one example. I think there are other examples where the Haitian Government just has not stepped to the plate in certain areas.

In the area of judicial reform, there has been no movement to changing their legal codes, and they are still operating with—

Mr. DELAHUNT. Let me interrupt you again, Mr. Ford.

Mr. FORD. Sure.

Mr. DELAHUNT. Again, I do not want to appear to be an apologist for the Haitian Government because that is not my perspective, but at the same time you said you are unaware of the hold on the MICUIH. Well, I would suggest that it is very important that GAO put that into its report and to understand that context.

At the same time, the lack of a parliament certainly creates, I would suggest, an overwhelming impediment to the passage of legislation that we are discussing about that you are indicating is necessary to effect the kind of judicial reform that I think we would all embrace.

Again, the linchpin of that was the elections that occurred in May and subsequently in July, and obviously there is a Presidential election, so again I think it is important to put it in that particular context, but again I have read your preliminary report, and you refer constantly in there, and I think accurately so, to lack of resources.

I also think it is important to understand that we often hear in Congress the amount of billions—I think it is \$2.5 billion—that the United States has expended in terms of Haiti. I think it is important to stress that that \$2 billion most of it, was allocated to the invasion, if you will, of some 20,000 American troops back in 1994 to restore democracy and also the processing of refugees in Guantanamo so that they could return to their homeland without fear of being assassinated and murdered and oppressed by the government.

Mr. BALLENGER. Mr. Delahunt, I do not know how strict they run the rules here, but the red light is on.

Mr. DELAHUNT. They are very loose.

Mr. BALLENGER. OK. You can have a little more time then.

Mr. DELAHUNT. I figured because you are such a dear friend, I figured I could take advantage of you.

In terms of again let me get back to the political level. In your conversations with DEA, in your conversations with the U.S. Coast Guard, what have they prescribed to you in terms of their relationships with law enforcement officials relevant to drug investigations?

Do they describe it as a failure to cooperate or simply the fact that the Haitian National Police and the Haitian Coast Guard are totally undermanned, totally lack the necessary resources and give and confer upon the DEA and the Coast Guard wide latitude in our own efforts to interdict drugs and to deal with the issue of Haiti and drug trafficking?

Mr. FORD. Well, I can tell you that based on our conversations with DEA and the law enforcement establishment at the Embassy that that is one of the positive areas in Haiti; that in fact they do have a very good relationship with the Haitian Coast Guard. The problem is they do not have the assets and the resources.

Mr. DELAHUNT. Right. Well, this is the point I am trying to make, Mr. Ford. In your conversations with the DEA, what do they describe as the albeit somewhat primitive and close to futile efforts of the Haitian National Police, the so-called anti-narcotics squad? It is understaffed. It is undermanned, but it is trying. Is that a fair statement?

I do not want to put words in your mouth, but I know that I have spoken in Port-au-Prince to our DEA, and that is the information they give to me.

Mr. FORD. No. I do not disagree with that. They told us that, you know, they generally have good cooperation with those units, but they are undermanned. They do not have equipment. They cannot

get out to where the problem is and so their effectiveness is limited.

Mr. DELAHUNT. They do not even in some cases, you know, have uniforms.

Mr. FORD. Right.

Mr. DELAHUNT. I mean, that is the reality of Haiti. Is there much to criticize? Yes, but does it translate into what you described as political will by just simply a total lack of resources and ineptitude and, unfortunately, elections that did not resolve, at least to the satisfaction of the international community, many of the issues surrounding democratic institutions in Haiti?

Thank you, Mr. Chairman, for your indulgence.

Mr. BALLENGER. Yes, sir.

Mr. Cooksey.

Mr. COOKSEY. You are welcome. I will not say you were encroaching on my time since you are a good friend.

Mr. Ford, I assume since you are from GAO you are an accountant?

Mr. FORD. Not by background. I am not an accountant, no.

Mr. COOKSEY. What are you by background and education?

Mr. FORD. My expertise is in the area of international affairs.

Mr. COOKSEY. So you went to college and got a degree in international issues?

Mr. FORD. That is right.

Mr. COOKSEY. OK. I was going to ask you some accounting questions, but I will not. I will ask you some international issues questions. I will ask you some international issues questions.

The issue here is rule of law, if I am not mistaken, and I am not a lawyer. In my review of geography, my memory of geography, the island there is called Hispaniola. Is that not correct?

Mr. FORD. That is correct.

Mr. COOKSEY. And part of that island is Haiti, and the other part of the island is the Dominican Republic? Is that correct?

Mr. FORD. That is correct.

Mr. COOKSEY. Where do you have the best rule of law, the most effective rules of law, in Haiti or the Dominican Republic? I know it is not very good in either place, but which is better? Which is better of the two?

Mr. FORD. You know, we did not do an assessment on that particular assignment. However, I will—

Mr. COOKSEY. I can tell you are a politician.

Mr. FORD [continuing]. Tell you that based on work we have done in the past I would say the Dominican Republic has generally a better system.

Mr. COOKSEY. It is my understanding that they at least deliver services to the people, electricity, water and so forth. Haiti has electricity a couple hours a day. What is the explanation for that? Do you have any, since you have a background in international relations?

Mr. FORD. Well, OK. I am not an expert on either of these, but let me tell you what I know a little bit about. Haiti has not had a democratic form of government for 200 years prior to I guess you could say 1991, and then we had to invade there to put President Aristide back in power, so they do not have a tradition of democ-

racy there. The Dominican Republic does not have much of a tradition of democracy either.

Different cultures. You know, Haiti, the vast majority of the population speak Creole. You know, the upper class speaks French, and they do not have a Hispanic society as in the Dominican Republic, so you have the different culture, different mind set there.

Both of these countries are developing countries. Both of them have major problems economically. They have major problems with poverty. We have aid programs, have developed aid programs in both countries, or we had up until recently in Haiti at least on the justice side. You know, they both have some similar characteristics.

Mr. COOKSEY. Have you put an equal amount of money in both places? Not you and me, but the taxpayers.

Mr. FORD. I do not have the dollar amount for Dominican Republic.

Mr. COOKSEY. Let me go back and review a little bit more geography. The Virgin Islands. If my memory is correct, there is an American Virgin Islands and a British Virgin Islands. Where do you have the best rule of law there, the British Virgin Islands or American Virgin Islands?

Mr. FORD. I really cannot answer that. I mean, I know that the United States—

Mr. COOKSEY. Would my friend, Mr. Delahunt, who is an attorney, like to answer that? Who has the best rule of law? What I am driving at is where is there rule of law and where does it work and why does it work?

In the BVI, for example, there was a hurricane that went through there a few years ago. In the American Virgin Islands there was total chaos. There were people that were down there that were on vacation, and they were worried about their survival because there was total chaos in the streets. Where is there the better rule of law and why?

He is afraid to answer. He is walking away.

Mr. FORD. I am not in a position to answer that. I can tell you that the U.S. Virgin Islands is a U.S. territory and is subject to U.S. laws with some exceptions, so they are under our system.

I am not familiar with the British Virgin Islands in terms of what type of system they have.

Mr. COOKSEY. I have been to both places and, you know, things were fine when I was in both places.

Well, my concern is about the man and woman on the street. As a physician, and I am not an accountant either, I was trained to take care, and just as I grew up in my household my parents believed we should take care of the weakest members of our society. But in some of these societies the weakest members are the ones that suffer the most, and the strongest are the politicians, and they end up using and abusing the system. They use and abuse the people.

That is true in this country. It is true in the American Virgin Islands and, unfortunately, I am afraid it is true in Haiti, so what do we do and how do we find a better solution?

I was in Sierra Leone in July. You do not really have time for me to tell you what I found there. It is the same situation. Incidentally, I met with some of the children there that have committed

murders. I mean, one guy, a 15-year-old, admitted killing 85 people. He was a former member of the RUF, and he switched over. These are kids that are—of course, I am 6'3", and they are about 5'3", but they speak Creole, too, so I am looking for the common thread.

What is the common thread where there is security, where there is rule of law, and what is the common thread where there is no security and where there is no rule of law, and how do we use American taxpayers' dollars to help the weakest members of society because I do not really care or give a you know what about the political leaders, and apparently there is some bad political leaders in all these places.

Do you want to comment on that, or do you disagree? Do you have a diplomatic international relations response?

Mr. FORD. I certainly would agree with you, sir.

Mr. COOKSEY. It is more fun when you disagree with me.

Mr. FORD. I think that creating a westernized style of justice in developing countries is an extremely difficult task. It takes years of effort.

As I have pointed out earlier in my statement, we have done some work in some other countries where we have been more successful. In our view, we were more successful because there would seem to be more commitment on the part of the government to support the effort.

That seems to be a common thread in what we have seen and what we have done in the past, but it takes years of effort, and there has to be a commitment to provide that form of justice, particularly for the mass of the population. They have to feel like their government will treat them with some form of protection and respect and welfare. If they do not have that, then you do not have rule of law.

Mr. COOKSEY. My closing comment, Mr. Chairman, is that in all these places I go and visit I find that the man and woman on the street generally are kind, gentle, sensitive people that want to put a roof over their children's head, their family's head, educate their children, feed and provide for their children.

The problem is bullies, and there are bullies in every one of these areas that I have talked about. If there is one thing that I hate it is bullies. I do not care whether they are in Burma or Haiti or the American Virgin Islands or Sierra Leone or the Congo.

If we are going to start doing something, if we are truly interested in human rights and truly interested in helping the weakest members of society, why do we not have the courage as a country to go in and just take out the bullies with whatever we have to do, but take out the bullies because they are the ones that are creating the problems. They are the ones that are killing people, maiming people, using and abusing them.

Mr. BALLENGER. Ms. Lee. Sorry to keep you waiting.

Ms. LEE. Thank you, Mr. Chairman.

I would like to go back to the video that we saw earlier and just ask a question with regard to what is your assessment or our government's assessment of why the riot control police did not step in? What is our analysis of that? Was it they did not want to? They

did not want to use excessive force? They just wanted to see the destruction occur? Is there an official kind of position on that?

Mr. FORD. I really do not know the answer to that. I can tell you that one of the things we were told when we were down in Haiti was that command and control of the police from the—it is a highly centralized command and control structure and that the police in the field generally are reacting to problems. They do not normally do anything unless they are directed by some higher authority to take action.

Now, I do not know in this particular case what the situation is. We were not privy to what exactly transpired in terms of who decided what they would do. Our understanding is that that was basically the riot control police, and we do not know what direction they had at that time.

Ms. LEE. So this was actually the first time you had seen the video?

Mr. FORD. No. I had seen that video before.

Ms. LEE. Had you?

Mr. FORD. Yes.

Ms. LEE. Let me just ask you just a general question with regard to the Haitian people. Are they becoming more central? More desperate? What has been their response to the current state of affairs, and then what do you see as the ramifications of the total withdrawal of United States support from Haiti?

Mr. FORD. Again, I can give you some anecdotal responses. I can say that our team that went to Haiti met with a number of Haitian officials who are magistrates, judges working at medium to lower levels of the bureaucracy over there and that many of them had a deep concern about what was happening in Haiti and that many of them wanted to do their job, but they felt for a variety of reasons, in some cases threats to their lives, in some cases lack of resources. They just were not able to really do what they thought they could do to help the country.

Now, that is anecdotal. Whether that represents everybody in Haiti I cannot really comment on. There have been some polls taken that we have seen in our research that showed that the Haitian population in general does not have a high regard say for the police force in general, but there is a clear sense at least from the people we talked to who were actually on the ground working there that they want to do it.

They want to do what they were trained to do, but they either do not have the resources, or they operate under constraints that do not always exist in this country.

Ms. LEE. So complete U.S. withdrawal of support means fewer resources?

Mr. FORD. Well, currently as I mentioned earlier, we do not have an active program with the exception of some support we are providing to the Coast Guard, so we do not have an active program there.

What is going to happen with the efforts that we paid for earlier in terms of whether they will be sustained, there are some signs that they are lost, particularly on the judicial side. There are some positive things we saw; the magistrate school. Apparently the Haitian Government is still supporting that, although at a lower level.

The police academy. The Canadians are supporting some of that program, but everything else that we paid for, who knows whether it will be sustained.

At this point it is not clear whether or not those institutions and those things we paid for in the past will still be there say a year from now.

Ms. LEE. So do we then have any concern for the sustainment of these institutions and for some of these reforms to be—

Mr. FORD. Absolutely.

Ms. LEE [continuing]. Institutionalized, and then how do we ensure that if we are withdrawing it or if we have withdrawn it?

Mr. FORD. Well, I think again from where we sit, our view is that when we decide—if we decide to continue or develop a new program, we need to have more of a partnership with the Haitian Government to make sure that whatever we end up paying for, that investment is not lost. I think that that is the critical point.

We are not in a position to say whether or not we ought to have a new program there or not, but certainly if we do have one we think that we ought to have a partnership that makes sure that the investment pays off and is not lost.

Ms. LEE. Well, in many areas of the world we do have those kind of partnerships, and I do not know why we did not insist on that with Haiti. Is there a reason, or is there just—

Mr. FORD. I cannot speak for the Administration. I mean, you will have to ask them that. There is certainly a concern—there is no doubt about that—that we need to do something in Haiti.

Mr. BALLENGER. Mr. Houghton.

Mr. HOUGHTON. Thank you, Mr. Chairman. Thank you, ladies and gentlemen, for being here, Mr. Ford, Ms. Hughes and Mr. Tapia-Videla.

Mr. Ford, all the questions have gone to you. Maybe you want to try to answer this, or maybe you would like to pass it on. You know there are certain issues here. One that is probably the most important is the attitude of the Haitian Government. The second, obviously, is the effect of the police, and the third is in terms of the judicial system itself.

I see on the next to the last page here in this Appendix No. 1 on page 12, the aid to administration of the justice program went from 1993 to 2000, and out of a total of \$93 million that \$11 million or actually let's say roughly \$14 million was given to the former administration, the one called Chechi. What did Chechi actually do?

It seems to me in reading over the information that a lot of this was directed toward the judicial system, and only \$11 million out of this \$93 million, or actually you can take a look at the figures on page 65, was devoted to them. What did they do?

Mr. FORD. In the case of the Chechi program, which operated I believe from 1996 to 1999, you can almost tell what they did by reading the captions, but they implemented—

Mr. HOUGHTON. No. I see that.

Mr. FORD [continuing]. A case registration system.

Mr. HOUGHTON. And anybody can read that.

Mr. FORD. Right.

Mr. HOUGHTON. Case registering and—

Mr. FORD. Right.

Mr. HOUGHTON [continuing]. Case monitoring. I mean, what did they do?

Mr. FORD. OK. What they basically did was they tried to get the judicial system in Haiti, and there are four tiers of it to help them to develop the basic tools for a justice system where you could track, for example, its prisoners to make sure that you know where they are. They monitor what they are doing.

Mr. HOUGHTON. Did they put that in place?

Mr. FORD. Yes, they did.

Mr. HOUGHTON. So all those things they did in terms of education, case registering, entering other technical equipment systems, have been done?

Mr. FORD. Yes.

Mr. HOUGHTON. I see. Did they have a sign off report at the end? Did they say, you know, you asked us to do this; it has cost us \$11.5 million, here is what we think ought to be done?

Mr. FORD. After this program was over, and this program was funded by the Department of Justice, they wanted to continue the effort.

Our understanding is that last summer negotiations were underway between our government and the Haitian Government to extend this effort so that the effort would be sustained. What we were told was that they could not reach agreement on how to move forward, and as a result of that——

Mr. HOUGHTON. Is it because of conditions down there or negotiations with our funding agencies?

Mr. FORD. I believe it was negotiations with our people and the Haitian Government and the Minister of Justice.

Mr. HOUGHTON. So that the people down in Haiti did not want them to come in and do the things they were suggesting to do?

Mr. FORD. We understand that there were differences in views about what the direction of the program should be.

Mr. HOUGHTON. Well, you know, this gets to the core question—you are damned if you do, you are damned if you do not. You are damned if you pull out. You are damned if you stay.

Of course, the overall umbrella issue is really the attitude of the Haitian Government. Even if you essentially came back and specific things, in terms of case registering and court management, were approved, why would you want to spend more money on this? Granted, it is needed, but if the attitude of the government is such that it is the back of your hand.

Mr. FORD. Well, I think that is a fair question. That is our point. Our point is you need to have an active partner that is going to sustain the effort, and I think that is what we need to see with regard to any type of program.

Mr. HOUGHTON. So all these things, whether it is police management, whether it is training, whether it is the corruption, whether it is the specifics in terms of the legal program, it all depends upon the governmental support.

Now, did you make any suggestions in your overview of what we ought to do in terms of that overall broader issue?

Mr. FORD. Our primary suggestion really is going to be geared toward establishing a more specific quid pro quo for the type of aid that we provide. That is basically where we are going.

Mr. HOUGHTON. So if that condition exists and this is not something you want to get into, if you had your druthers, if you had the money, would you still go ahead and do some of these things?

Mr. FORD. I think these things are—I think that there is no doubt in our minds and on the part of the people at the Embassy that all of these are useful things that ought to be done in Haiti. I do not think there is any disagreement about whether these things were beneficial to society there. They would be, but they need to be maintained and sustained.

Mr. HOUGHTON. So you would go ahead and make sure the procedures from the judicial standpoint were there, that the language has now been translated to Creole and all those things? You think that it is still building the base so when the attitude of the government changes you will have something to work on? Is that right?

Mr. FORD. I think you have to have—when you say the attitude of the government, I think you need to have a commitment on the part of the government's part to support it. If you have that commitment, we can make progress.

Mr. HOUGHTON. How do you explain that to the American people? I mean, these are huge dollars. You know, that is a lot of money. How do you explain that?

Mr. FORD. Well, again, we began these programs. In the first 2 or 3 years the government of Haiti supported the effort, and then for reasons that are not known to me anyway that level of commitment seems to have dissipated to some extent, so I think, we have to have an agreement with the government that they are going to support the efforts.

They did in the beginning, and there was a lot of success. We trained 6,500 police officers. There were a lot of things that we did that were useful, but they need to be sustained. The government has to support them.

Mr. HOUGHTON. Can I just ask one final question, and then I will stop here?

Mr. COOKSEY [presiding]. Sure. You can have—

Mr. HOUGHTON. No, no, no. I just want to ask—

Mr. COOKSEY. OK.

Mr. HOUGHTON [continuing]. One more question.

Mr. COOKSEY. We always defer to those of you from the north-east.

Mr. HOUGHTON. If you were to ask the Canadians, for example, what are we going to do, what are we going to do together, would their answer be your answer, or would there be a difference?

Mr. FORD. We talked to the Canadians, and my personal view is I think they would agree with what we have had to say here. They want their investment, their assistance, to be effective just like we do, and I believe that they also feel that there has to be some commitment on the part of the government for their programs to work.

They were in a partnership with us in terms of helping to develop the police, so we had similar ambitions in terms of what we wanted to achieve.

Mr. HOUGHTON. Thank you very much.

Mr. COOKSEY. Thank you.

Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much. I am sorry that I was not here to listen to your testimony. I was looking through the written testimony.

As you know, because I am from South Florida what happens in Haiti has an immediate and profound effect on all of us in our communities, so the reforms and the democracy and the infrastructure and all the positive changes that we all want to make in Haiti have a really almost domestic concerns for us in South Florida.

How optimistic are you, based on your GAO assessment of the assistance that has already gone into Haiti for judicial and police reform, that things can get turned around; that the funds will be used in a better way; and that with all of the changes taking place in Haiti now that they have turned the corner and are on the right route, because what we hear are nothing but negative news about the latest developments?

How optimistic or pessimistic are you that our U.S. dollars that we have funneled over there will have laid the proper groundwork for a true democracy and true reforms to take place on that troubled island?

Mr. FORD. Well, all I can do is mirror what we were told by our U.S. officials down there. There is a deep concern about the direction of Haiti in terms of the government.

I think you have a Presidential election coming up. Until the political situation in Haiti is sorted out, it is difficult to determine where we go from here. I think that is the view of the Administration at this point.

I think there is a deep concern on everyone's part. I think that at least the people we have talked to want Haiti to succeed. They want there to be progress there, but right now everything is kind of up in the air, frankly.

Ms. ROS-LEHTINEN. Anyone else want to speak to that?

Thank you.

Mr. COOKSEY. Ms. Ros-Lehtinen?

Ms. ROS-LEHTINEN. Mr. Cooksey.

Mr. COOKSEY. Can I ask you a question? If my memory is correct, have we not had some testimony that there is a listening station in Cuba that can listen to all the conversations in the southeast United States and maybe a lot of the United States, say our telephone calls, our military transmissions? Is that correct?

Ms. ROS-LEHTINEN. Yes. It is targeted to the United States, and it deals with mostly economic and military espionage. It is in Louvdes, Cuba, and there is a minor one more close by as well. It is a Russian intelligence facility, one of the most sophisticated listening stations in the world.

Mr. COOKSEY. OK. My question to you then is if there is an entity like that that listens to our radio transmissions and telephone transmissions and your telephone transmissions, should there not be a comparable source of information, and we may not get it from the Cubans, but I bet there is someone in our government that could be listed as indeed listening to the phone conversations and the transmission of the people in Haiti. Would you think that is a safe assumption, Mr. Ford?

Mr. FORD. I really cannot comment on that, sir. I do not have the expertise on that question.

Mr. COOKSEY. Well, let's just assume there is. OK. Next question. If there is a way to listen to what is going on in the Aristide government, the Lavalas Family party, and we learn that some of the people in that government, in that party that only has one candidate for president this November, is involved with the drug trade should we have some additional concerns in the United States about how effectively our money is being spent down there, or should we just ignore it? Should we blow it off? That is an easy question.

Mr. FORD. Well, yes. If we have evidence that there is something of that nature going on, obviously we need to take action against it, but, you know, I do not know anything about that.

Mr. COOKSEY. OK. Do you think that we were justified in taking Noriega out in Panama when we had evidence that he was involved in the drug trade?

Mr. FORD. Well, GAO does not have a view on that, sir. I can tell you that, you know, if we did.

Mr. COOKSEY. You were probably a student in international relations when that occurred.

Mr. FORD. I have my own views on that, sir, but they do not represent necessarily GAO's views so it probably would be better for me not to answer that.

Mr. COOKSEY. Well, the question I am driving at is if we have intelligence that indicates that people in this government have a reason, more reason, to hold onto the reins of government other than just oppressing their people, other than just raping and pillaging that country, other than taking our tax dollars and probably not using them very effectively, the other reason can be that they are involved in the drug trade.

Would that be reason for us to take action or for the GAO to take action? Do you think the GAO would have a recommendation or opinion on that?

Mr. FORD. Well, I think that specific instance I believe is already covered by law, as I recall. I think there is a provision in the Foreign Assistance Act that basically requires us to cutoff aid.

Mr. COOKSEY. Good. Let's say we can get information from the Cubans. We can get it from our intelligence agency. It is my understanding there was a report in one of our local newspapers that documented that the members of the Aristide government are involved in drug trade. Do you think the newspaper is a good source of information?

Mr. FORD. Do I think the newspaper is a good source of information? Not necessarily, no.

Mr. COOKSEY. So you think the radio intercepts or some other type of intelligence activity to get that? Do you think that information is out there?

Mr. FORD. I really do not know, sir.

Mr. COOKSEY. What if I told you that that information is out there and has been provided to the leadership of the Democratic party and the leadership of the Republican party, and it has been suppressed or ignored, information that indeed the leadership of this government is up to their ears in drug trade, and that is prob-

ably one reason they are trying to hang onto power because they are making money?

This is just a question. I am not making an assertion. I am not up here with a newspaper, sir. I am just asking the question. It is a hypothetical question,——

Mr. FORD. OK. Well, let me——

Mr. COOKSEY [continuing]. So you can give me a hypothetical answer.

Mr. FORD. Let me say something here, sir. I have a little information on this, but I cannot comment on it in an open setting so let me just say that right now. The information I have available I cannot talk about in an open setting.

Mr. COOKSEY. OK. Well, I am concerned again about what is going on down there. I am concerned about the people, and I think that the Americans truly have a desire to help the people out in Haiti, but I just do not see any reason that we should continue to help out the bad guys.

The Chairman is here. Do you have any comments or questions, Mr. Chairman?

Chairman GILMAN [presiding]. I thank the gentleman for taking on the Chair while I was on the floor on some other legislation.

Has the Administration conditioned its aid to the Haitian judicial system or the Haitian National Police on any areas? Have the Haitians met any such conditionality if there have been such conditions?

Mr. FORD. In terms of the previous programs, the information we have indicates that we did not have any real formal type of conditionality.

We did have a—signed an agreement with regard to the narcotics unit having to do with personnel levels, but that is the only instance we are aware of programmatically of any conditions being put on the Haitian Government.

Chairman GILMAN. Your opening statement refers to signs of politization in the police during the recent election process. Can you specify the incidents that you were referring to?

Mr. FORD. Again based on information provided to us by the Embassy and the State Department, there were some incidents where the police either were passive in terms of taking action against demonstrators, and there also are reports that after the election there were some arrests of opposition leaders on the part of the police.

Chairman GILMAN. Do you have any recommendations of what we can or should be doing to beef up the police process in Haiti?

Mr. FORD. Again as I noted earlier, we believe that there should be stronger conditionality put on any future assistance to try to ensure that the government of Haiti not only supports the assistance we provide, but also there will be some semblance of sustainability.

Chairman GILMAN. What sort of conditionality would you suggest?

Mr. FORD. Well, again I am not a program person so, you know, I am not the best person to answer that. I think it is basically an agreement that if we are going to provide training for the police and we are going to support the police academy that there be a quid pro quo on the part of the Haitian Government to support

that effort; if we want to have an Inspector General that that office be maintained and that they have a credible individual in that office. Things of that nature I think ought to be included in these types of agreements.

Chairman GILMAN. Director Ford, have the Canadians curtailed their assistance to the police?

Mr. FORD. The information we have is that the Canadians have reduced their overall assistance to Haiti to the police and to the judicial system. However, they are still supporting the police academy. They have apparently reached agreement with the Haitian Government to continue to fund the training academy there, so there is some ongoing activity.

Chairman GILMAN. Thank you.

Mr. Delahunt.

Mr. DELAHUNT. Thank you, Mr. Chairman.

By quid pro quo, Mr. Ford, are you suggesting—let me see if I understand it because we have been discussing sustaining these programs. I concur. I think what we are seeing is an attrition, first of all, in the number of police personnel. I think the numbers were initially 6,500. Now, according to Embassy personnel, it is anywhere between 3,000 and 4,000.

So I think what you are talking about is a commitment that the necessary funding during the course of the budgetary process of the Haitian Government reflect a resources commitment to increase the numbers back to 7,500, along with appropriate training as was initially done several years ago.

Is that what you are talking about as a quid pro quo?

Mr. FORD. Yes.

Mr. DELAHUNT. A financial commitment—

Mr. FORD. Yes.

Mr. DELAHUNT [continuing]. As well as the training component?

Mr. FORD. Yes. I think there needs to be those two things. I also think that we should try to get the Haitian Government to also make some major political reforms. We mentioned earlier the legal codes. These kinds of things are considered to be essential to have.

Mr. DELAHUNT. Right. As you said, I think you said just several minutes ago once the political issues are resolved, once there is a government in place, that is when these particular issues have to be addressed.

You would acknowledge, presumably, that we have had no government for almost 2 years now, and clearly there is a question as to the legitimacy of the May election. I find myself more in agreement than in disagreement with the Chairman and others who have raised the issue, but I think it is important to understand in the larger context that there is no government.

I think it is important to understand, too, that in the aftermath of the coup years everything was starting from scratch. You would acknowledge that.

Mr. FORD. Yes, we do.

Mr. DELAHUNT. I mean, absolutely from scratch.

I think it was Mr. Cooksey that raised the issue on the videotape we saw. What conclusions do you reach after observing the videotape?

Mr. FORD. That tape?

Mr. DELAHUNT. That tape.

Mr. FORD. I am not a police officer. To me, you would expect normal police to go in and not allow somebody to go in and burn a house down, so I find that troubling.

Mr. DELAHUNT. Right, but, you know, what I found—let me tell you what I noticed is that there were five or six police and a crowd of several hundred. I cannot reach a particular conclusion. I do not know whether they were waiting for reinforcements. I do not know whether they felt threatened or intimidated by the crowd. I do not know their level of training.

A statement was made about rioters exiting the grounds and not being arrested by the police. I do not have any evidence to indicate whether those were the rioters or those were the individuals that were in that residence. They may or may not have been inquired upon upon exiting. I do not know that. I find it difficult to reach any particular conclusion.

Again, I think that we have to be careful in reaching conclusions. The Department of Justice recently was embarrassed because of a case involving our national security with Dr. Wen Ho Lee when he was charged with 60 particular indictments after presumably a professional, thorough investigation and 59 of them were dismissed.

I would suggest you be very, very careful in reaching conclusions. Accept the facts and the data. Let's not just draw inferences that prove to be false and mislead us into drafting or embracing a policy that maybe does a disservice to American national interests.

I thank the gentleman.

Mr. COOKSEY. Mr. Chairman.

Chairman GILMAN. Yes.

Mr. COOKSEY. I would like to ask the people over in the video area if it would be possible to replay that video as we are having this discussion and project it maybe on the screen—

Chairman GILMAN. Before we do that—

Mr. COOKSEY [continuing]. And then continue our discussion.

Chairman GILMAN. Before we do that, if you will take just a moment? I have just a few more questions.

Mr. Ford, with regard to the judicial system, I understand there is a contracting agency that is supposed to help improve Haiti's judicial system. Is that correct?

Mr. FORD. I believe there were several different efforts on the way. Yes.

Chairman GILMAN. How much did we expend in trying to improve the judicial system?

Mr. FORD. Well, Congressman Gilman, if you have our report there and turn to page 12 of the appendix, it has an outline there.

Chairman GILMAN. Just tell us how much it is.

Mr. FORD. It is \$26.7 million.

Chairman GILMAN. And what were the accomplishments of that expenditure?

Mr. FORD. At the beginning there were several accomplishments. We established the magistrate school, which is still there. It is still being funded by the Haitian Government. We also provided a significant amount of training to prosecutors and other judges. We established case registration systems.

Unfortunately, the information we had when we visited Haiti is that many of those efforts have not been sustained, so the only thing that appears to be still up and running at this point in time is the magistrate school.

Chairman GILMAN. Can you give me an assessment then of the judicial system? Is it effective? Are there problems present?

Mr. FORD. Yes. There are significant problems, which we outline in our statement.

Again, we need to point out that our assistance was meant to attack certain problems there. It was not going to resolve the overall judicial problems in Haiti. Some major problems with legal reform need to be dealt with.

I think the assistance we provided attempted to put in place more trained judges, more trained prosecutors so that better investigations could occur and that they could track cases and that type of thing. It is the first step of what needs to be done. A lot more needs to be done in Haiti.

Chairman GILMAN. So has any of that been adopted? Has there been any success at all in our initiatives of trying to improve the judicial system?

Mr. FORD. Well, the people that got trained are still there. Some of them are still there. I mean, as I mentioned earlier, anecdotally many of them want to do their job better, but they face a lot of restraints. A lot of them do not have the supplies. They do not have equipment.

It is a very difficult environment for them to operate there, but those people are still there, and they still have the school in place. They are still training some magistrates, so there are some things that are still happening.

Chairman GILMAN. You earlier mentioned a provision in the Foreign Assistance Act that prohibits U.S. assistance to persons corrupted by narcotics trafficking. Could you spell out what provision that is?

Mr. FORD. I am told that that is Section 487 and 481 of the Foreign Assistance Act.

Chairman GILMAN. Has our government invoked that provision at all?

Mr. FORD. One of those provisions is the drug certification provision, which has been waived the last 2 years by the President.

The other provision, on section 487, I am not familiar as to whether or not that has ever been applied. We do not think it has, but I am not positive on that.

Chairman GILMAN. All right. At this time we will comply with the request by Dr. Cooksey, and I will ask our assistants to replay the video we played earlier that showed the attack on the political—

[Videotape shown.]

Mr. COOKSEY. Do you feel having an independent and strong judiciary—do you feel that having a strong judiciary would do more to solve these problems and bring about rule of law than anything else?

Mr. DELAHUNT. I think that it is absolutely critical. I think that the problem that the Haitian Government has to deal with is budget priorities and limited resources.

I mean, when we talk about what happens within the judiciary, do not visualize a picture where computers are available because the problem is one of are pencils and paper available. I mean, this is a society that is best described as primitive, lacking in any resources. Is there corruption? Sure, there is corruption. Are there overwhelming problems? Yes.

Like I mentioned in my opening remarks, I am profoundly disappointed with what occurred in the aftermath of the May election in terms of the tabulation because I believe there was an historic opportunity to transform the direction that this nation could take into the new millennium.

I really, genuinely believe that, and the leadership of Haiti failed to meet this historic responsibility, an historic responsibility.

Chairman GILMAN. Thank you, Mr. Delahunt.

One last question, Mr. Ford, and then I will turn to Dr. Cooksey.

What were the circumstances surrounding the departure of the Inspector General of the Haitian National Police, the deciding factor on why the Inspector General left the Haitian National Police?

Mr. FORD. Well, I can only tell you what we were told by the people at the Embassy. I think in late 1999 the Secretary of State for Public Safety, Mr. Manuel, left his position, and we were told that he had been threatened.

Chairman GILMAN. Who threatened him?

Mr. FORD. That I do not know. He had received threats is what we were told. We were also told that a similar situation may have led to the IG resigning.

Chairman GILMAN. Dr. Cooksey.

Mr. COOKSEY. Mr. Delahunt, our colleague, who I really like and I think is one of the real gentlemen on your side, Congressman Conyers, had asked me earlier this year to go down to the elections, and I agreed to go. Then I got the message we were not going because indeed the elections were going to be on the up and up.

Do you think that we should consider going down for the next elections?

Mr. DELAHUNT. Well, I did go down with Mr. Conyers, and, as I have indicated to colleagues privately, I, along with Mr. Conyers, had an opportunity to visit some 19 voting areas.

What we saw was remarkable, particularly for Haiti. There was incredible enthusiasm. The turnout was approximately 60 percent. The police were there acting appropriately and professionally. People were excited. There were foul ups, administrative delays. People were not being paid, but by and large we felt very positive about the elections themselves.

That sentiment was echoed by observers from all over the world, from Canada, from the Organization of American States. The problem occurred in the aftermath of the election.

Let me just make a footnote at this point. It was clear to me that Fanmi Lavalas would have secured a plurality in almost all of the Senatorial districts. Unfortunately, in the aftermath of the election—we were there for the counting of the ballots, by the way, and again it was done I believe in a fair and appropriate way. It was in the aftermath of the election that the government I think inappropriately and illegally tabulated those ballots in a way that secured a majority rather than a plurality for Fanmi Lavalas.

My point about going almost to the point where it could be considered a historical watershed in Haitian history was lost, but as we look forward we are going to deal with this particular government. I would not opine as to whether we should attend the election in November, which is for the executive, which is the election for president, but I would point out, and I think we have to reflect on this.

I know that you and I and Chairman Gilman support approximately \$3 billion, in excess of \$3 billion of foreign assistance every year to Egypt. The Egyptian Parliament is controlled by the party of President Mubarak with 97 percent.

Now, there has been over the course of time considerable debate as to whether elections in Egypt are fair and free, and people whom I know you and I both respect would indicate that no, they are not free and fair, so I think that we have to be careful in singling out a particular country and beginning the process of disengagement that I think would have negative implications for the national interest of the United States.

Mr. COOKSEY. One followup question. This is a rhetorical question/comment. Do you think the attendance at this hearing of the entire International Relations Committee is a reflection of the interest in Haiti? I am afraid to hear an answer.

Chairman GILMAN. Well, let me respond. Today is a very busy day with Members on the floor, Members in other areas, so I do not think it is a fair indication because there is a great deal of interest in Haiti's future. A number of us have joined together from time to time to go to Haiti to try to assess what is there.

Mr. Delahunt and yourself are indications of some of the people taking the time, but there are a number of Members who have expressed a strong desire to see Haiti find a way to pull itself up by its bootstraps.

One last question. Mr. Delahunt raised the question about the police not detaining anyone, but is it not a rule pretty much among police that you detain potential witnesses, even possible defendants leaving the scene of an attack, to get some information? Here we see no one being interrogated or questioned. They are running away from the scene of the fire.

Mr. Delahunt, you may want to comment.

Mr. DELAHUNT. I do not know if you are directing that question to Mr. Ford.

Chairman GILMAN. Well, I am asking both Mr. Ford and yourself. What should be the role with regard to police in that kind of a situation?

Mr. DELAHUNT. Well, I think the first priority, of course, would be the personal safety of the police officers involved.

Chairman GILMAN. Again, I did not see anyone attacking any of the police.

Mr. DELAHUNT. No. I understand, but, of course, we also saw that police were far outnumbered by those that were rioting. Clearly the situation was chaotic.

I am sure—I have absolutely no doubt—that the police were concerned about their personal safety. I also have no doubt that their training is inadequate, and I also have no doubt that they probably were very, very scared about what was occurring.

They were aware that some of those rioters—we had heard gunshots. Now, we do not know where those gunshots came from, but given the numbers that I saw I cannot reach a conclusion. I just simply cannot reach any fair conclusion.

You know, I think reasonable people can draw inferences that contradict each other, but I do not think we have hard evidence here that we can reach proper conclusions.

Chairman GILMAN. Mr. Ford, do you want to comment on the action by the police under these circumstances?

Mr. FORD. Again, my colleague, who is a former police officer, has told me that basic police practice would be to stop and interview people in a situation like that.

Again, we are not privy to the entire circumstances of what was shown on that video, so, we do not know overall whether or not the police were told not to do anything or whatever.

Chairman GILMAN. Mr. Ford, let me interrupt you a moment. Was there a full investigation of the destruction of the police headquarters by the police? Does anyone know that?

Mr. FORD. To our knowledge, there was not.

Chairman GILMAN. Mr. Ford, the president of the Electoral Council in Haiti was forced to leave Haiti in fear of his life in conditions similar to the Inspector General leaving. He had stated that when it was made clear to him what could happen if he did not make the improper report on the election, he asked for asylum in an Embassy and to protect him as he left the country.

Can you tell us? Have you talked to him, or have you reviewed that situation at all?

Mr. FORD. Mr. Chairman, we did not talk to that individual, so we do not have any information about that particular incident.

Chairman GILMAN. Did you look into the question of why he left Haiti under protection by the Embassy?

Mr. FORD. In his case, no.

Chairman GILMAN. All right. If there are no other questions, I want to thank our panelists for being here today and for helping us to shed some light on the situation. We hope that as a result of your review we can help make a better life for those in Haiti who are struggling to find a way.

Thank you very much. The Committee stands adjourned.

[Whereupon, at 12:08 p.m. the Committee was adjourned.]

A P P E N D I X

SEPTEMBER 19, 2000

Chairman Benjamin A. Gilman
Opening Statement
Full Committee Hearing
September 19, 2000, 10:00 a.m., 2172 Rayburn House Office Building
"GAO Assessment of U.S. Judicial and Police Reform Assistance in Haiti"

The Committee will come to order.

This morning, we will hear testimony from the General Accounting Office regarding the preliminary results of the GAO's review of U.S. assistance provided to Haiti's justice system.

On September 19, 1994, President Clinton ordered 20,000 American troops to go to Haiti to restore the democratically elected government of President Jean Bertrand Aristide. These men and women from our Armed Forces were directed into harms' way to uphold the rule of law.

The purpose of this hearing is to examine what Haiti's government and leaders have done since 1994 to further the rule of law with our assistance.

Between 1995 and 1999, the United States government provided \$97 million in bilateral assistance to Haiti's justice system. Some \$65 million of this money was directed to training and equipping the Haitian National Police.

Haiti's judicial system is exceedingly weak and subject to manipulation. Drug traffickers and persons implicated in political killings enjoy impunity. Opponents of Haiti's current government have, from time to time, been kept in jail despite judicial orders for their release. Many more Haitians languish behind bars waiting for trials that will probably never happen.

U.S. judicial reform efforts in Haiti have foundered in a sea of the Haitian government's indifference. Haiti's leaders simply do not have the political will to pursue meaningful judicial reform. Apparently, they prefer to manipulate the justice system and extract wealth from the country's state-owned monopolies.

The recent election process revealed how completely the Haitian National Police has been politicized by the ruling Lavalas Family party. In the run up to the May 21 elections, some 15 persons, principally from opposition political parties, were murdered. The police have made no progress in resolving these crimes.

Prior to and after the election, violent street demonstrations were staged by the governing Lavalas Family party. On a number of occasions, the police stood by and failed to protect peaceful opposition rallies from these pro-government vigilantes. After the polls closed on Election Day, police officers were seen carting away election materials. Immediately following the election, a large number of opposition politicians were arbitrarily arrested by the U.S.-trained

police.

Last year, the Lavalas Family party led protests seeking the ouster of Police Director General Pierre Denize and State Security Secretary Robert Manuel. Mr. Manuel was forced to resign and fled Haiti in October 1999. Subsequently, the HNP's inspector general, Eucher Joseph, was forced to quit his post.

Major narcotics traffickers operate freely in Haiti. The administration has now decertified Haiti for two consecutive years. Drug corruption of Haitian officials is a serious problem that needs to be dealt with directly and honestly.

In a rare bit of good news, earlier this month, four police officers implicated in the May 28, 1999 killing of 11 people in a Port-au-Prince slum were convicted and sentenced to three years in prison. This an important precedent. Without an independent police inspector general and a justice system with integrity, however, this judgement will likely stand as an isolated exception.

The creation of the Haitian National Police gave us all hope that Haitians would be able to count on a professional, apolitical police force to foster a climate of security that would allow the Haitian economy to recover and grow. Sadly, the initial work that was done by the administration to recruit and train a cadre of competent police officers has been severely undermined. The Haitian National Police has become a largely ineffective law enforcement organization. Absent fundamental changes to reverse corruption and politicization, no amount of U.S. assistance will restore credibility to the Haitian National Police.

United States General Accounting Office

GAO

Testimony

Before the Committee on International Relations, House of Representatives

For Release on Delivery
Expected at
10:00 a.m., EDT
Tuesday,
September 19, 2000

FOREIGN ASSISTANCE

Lack of Haitian Commitment Limited Success of U.S. Aid to Justice System

Statement of Jess T. Ford, Associate Director, International Relations and Trade Issues, National Security and International Affairs Division



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Mr. Chairman and Members of the Committee:

I am pleased to be here today to discuss the preliminary results of our review of U.S. assistance provided to Haiti's justice system.

In September 1994, the United States and other countries intervened militarily in Haiti to restore the democratically elected government that had been overthrown by the Haitian military in September 1991. Before this intervention, the Haitian military controlled the police and the judicial sector. Military and political cronyism dominated these institutions, and the military influenced the appointments of magistrates and the decisions made by them. These justice institutions were widely regarded as ineffective and corrupt.

After the intervention, the United States stepped in to provide assistance to the Haitian justice system – both the police and the judicial sector – aimed at developing a professional civilian police force, enhancing the effectiveness of existing judicial organizations, and improving the Haitian people's access to justice. This assistance also aimed at supporting a broader reform of the judicial sector that the Haitian government intended to pursue over time. The objectives of this assistance program were consistent with U.S. justice assistance objectives in other countries in Latin America.¹

As you know, U.S. assistance to the judicial sector was suspended in July 2000, because the United States was not able to negotiate an agreement with the Haitian government for continuing these assistance efforts. As of September 2000, most of the U.S. assistance to the Haitian police has stopped, due to congressional concerns related to events surrounding the May 2000 Haitian parliamentary and local elections. The U.S. Department of State is currently reassessing several aspects of the U.S. relationship with Haiti, based on concerns about how votes were counted in Haiti's May 2000 parliamentary and local elections.

My statement today is based on work we are currently concluding for your committee and the Senate Foreign Relations Committee. First, I will discuss the results of the U.S. assistance provided to the Haitian police and judicial sector and the major problems that continue to affect these justice institutions. Second, I will discuss the primary factors that have affected the success of the assistance.

Our work is based on meetings with officials of the U.S. Departments of State and Justice, the U.S. Agency for International Development (USAID), the U.S. Coast Guard, and other U.S. agencies. To examine the results of assistance provided, in June 2000, we went to Haiti, where we met with officials of the Haitian government, other donor countries (Canada and France), the United Nations, nongovernmental organizations, and

¹ See Foreign Assistance: Rule of Law Funding Worldwide for Fiscal Years 1993-98 (GAO/NSIAD-99-158, June 30, 1999); Foreign Assistance: U.S. Rule of Law Assistance to Five Latin American Countries (GAO/NSIAD-99-195, Aug. 4, 1999); and Foreign Assistance: Status of Rule of Law Program Coordination (GAO/NSIAD-00-8R, Oct. 13, 1999).

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U.S. contractors. We also performed an extensive review of program documents. We expect to issue our report in October 2000.

SUMMARY

Over the last 6 fiscal years, the United States provided about \$97 million in assistance to help Haiti establish its first civilian-controlled police force and improve aspects of its judicial sector, which includes various judicial institutions, procedures, and legal codes. About \$70 million in U.S. assistance helped Haiti recruit, train, organize, and equip a basic police force, including specialized units, such as an antinarcotics unit, a special investigative unit, and the Haitian Coast Guard. During the same period, the United States provided about \$27 million in assistance that led to improvements in training magistrates and prosecutors, management practices of judicial institutions, and in the access of the Haitian people to justice services. However, despite these achievements, the police force has not effectively carried out its basic law enforcement responsibilities, and recent events suggest that politicization has compromised the force, according to U.S. and other donor officials. The judicial sector also has serious weaknesses, according to U.S. and other donor officials. The sector has not undergone a major reform and, as a result, lacks independence from the executive branch and has outdated legal codes and cumbersome judicial proceedings. Further, the judicial institutions have personnel shortages; inadequate infrastructure and equipment, such as shortages of vehicles and legal texts; and an ineffective internal oversight organization unable to stem corruption. Overall, these institutions provide justice services to only a small segment of the population, because the institutions rely heavily in judicial proceedings on the use of French rather than Creole—the language of the majority of the population.

The key factor affecting the lack of success of U.S. assistance has been the Haitian government's lack of commitment to addressing the major problems of its police and judicial institutions. U.S. assistance to the police has been impeded because the Haitian government has not acted, for example, to (1) strengthen the police organization by filling currently vacant key leadership positions, such as the Inspector General; (2) provide the human and physical resources needed to develop an effective police force; (3) support vigorously police investigations of serious crimes; and (4) keep the police force out of politics. U.S. assistance to the judicial sector has been largely undercut because the Haitian government has not, for instance, (1) followed through on implementing the broad reforms needed to address its major problems, (2) assumed responsibility for adopting many of the improvements made possible by U.S. assistance, and (3) provided the physical and human resources needed to operate effectively.

BACKGROUND

The U.S. Agency for International Development (USAID) and two organizations within the Department of Justice's Criminal Division—the International Criminal Investigative and Training Assistance Program and the Office of Overseas Prosecutorial Development, Assistance, and Training—implemented the majority of assistance provided to the Haitian police and judicial sector. The Department of State has overall responsibility for coordinating this assistance. It also funds training programs implemented by U.S. law

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enforcement agencies and, immediately after Haiti's return to democracy in 1994, carried out some training programs, mainly in support of the Presidential Palace Guard, which protects the Haitian President.

Several other U.S. agencies have also been involved in supporting the Haitian police. For example, the U.S. Coast Guard and the Department of Defense played key roles in helping to build the Haitian Coast Guard—a main component of the Haitian National Police. Also, the Drug Enforcement Administration helped to support the police's antinarcotics unit. In addition, the U.S. Customs Service helped to train Haitian customs and police officers on countersmuggling techniques.

U.S. ASSISTANCE HELPED IMPROVE THE POLICE AND JUDICIAL SECTOR, BUT MAJOR SHORTCOMINGS PERSIST

U.S. assistance to Haiti's justice sector totaled about \$97 million since fiscal year 1995, with about \$70 million going to help build a civilian-controlled police force and about \$27 million going to improve certain aspects of Haiti's judicial system, such as case registration and tracking systems. Appendix I provides a breakdown of U.S. assistance to the Haitian police and justice sectors.

U.S. Assistance Helped Build a New Haitian Police Force

U.S. assistance was intended to help Haiti create and strengthen a civilian-controlled police force that would be professional and respect the rights of the population. The assistance was used to recruit, train, organize, and equip a new police force and was administered under the Department of Justice's International Criminal Investigative Training and Assistance Program.

The U.S. assistance helped Haiti

- recruit an interim police force of about 4,000 police officers and U.N. police monitors to work with this force;
- establish and equip a new civilian-controlled police organization and several specialized units, such as an investigative division and its antinarcotics and forensics units, the special investigative unit,² the crowd control unit, the special weapons and tactics unit,³ and the Haitian Coast Guard;
- create a police academy and recruit and train a new police force of about 6,500 police officers;
- train police officers for the specialized units;
- develop managerial and supervisory skills at all levels of the police force; and
- establish an Inspector General's office for monitoring the police force.

² This unit has focused on investigating high profile crimes, including extrajudicial killings. The U.S. assistance's long-term goal is to help integrate this unit into the mainstream judicial police.

³ The special weapons and tactics unit responds to crises in the Port-au-Prince area. This unit receives orders directly from the Director General of the police.

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Other U.S. agencies, including the U.S. Coast Guard, the U.S. Drug Enforcement Administration, and the U.S. Customs Service, provided some assistance. For example, the U.S. Coast Guard provided over \$4.6 million to help organize, train, and equip the Haitian Coast Guard. This assistance helped Haiti establish one Coast Guard base in Port-au-Prince, refurbish three vessels, maintain equipment, and develop capabilities for dealing with drug smuggling and illegal migration, for example.

Major Weaknesses Persist in the Police Force

Despite some initial achievements made possible by U.S. assistance, the current Haitian police force has major deficiencies and is considered by many U.S. and other donor officials as a largely ineffective law enforcement body. According to these officials, the police force suffers from organizational weaknesses, shortages of personnel and training, shortages of vehicles and equipment, and limited investigative capabilities. Over the past year, particularly, U.S. and other donor officials have expressed concern over the Haitian police's crippled internal oversight organization, continued corruption, and increased signs of politicization related to recent Haitian elections.

Starting in late 1994, the United States helped Haiti organize its police force so as to have the major components of a modern civilian police organization. However, the current organization of the Haitian police is weak, according to U.S. and other donor officials. For example, several key police units are not fully operational, such as the Maritime, Air, Border, Migration, and Forest Police Directorate. Also, a few individuals manage the police organization in a highly centralized manner, delegating little authority from headquarters to the field and within the police institutions in the field. As a result, the police force in the field shows little initiative, tending to be reactive rather than actively patrolling the community. Furthermore, the police force has not yet developed a strong esprit de corps and discipline. During our visits to several police units, we saw that many lower ranking police officers did not show much respect for high-ranking officers and were milling around police facilities, reading newspapers, or watching soccer games on television.

Initially, the United States sought to help Haiti recruit and train police officers, and by 1998 the police force had reached a peak of about 6,500 officers. However, shortages of personnel plague the current police force. According to U.S. and other donor officials, the current police force is estimated to range between 3,500 and 4,500 police officers. Compared with a country like El Salvador, with 19,000 police officers serving about 6 million people, Haiti – with its approximately 8 million people – has a relatively small police force. In addition, the Haitian police has a shortage of qualified commanders and supervisors.

According to U.S. officials, there has been serious attrition in police ranks, partly as a result of the police's failure to provide professional opportunities, to implement a work schedule better than the current schedule of 12 hours a day 6 days a week, and to provide work opportunities in locations near the officers' families. U.S. officials noted that police officers have also left the force to join the growing private security industry,

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which offers fewer risks and better pay and working conditions. Also, more than 1,100 police officers were dismissed from the force since 1995, as a result of the police Inspector General's investigations into police misconduct. In addition, the police's failure to recruit new officers regularly has exacerbated the attrition of the police force. Initially, the United States placed great emphasis on training the new force and setting up the police academy to continue such training. However, most of the current police force has received only basic training. For instance, police officers attend an initial 6-month training course at the academy, but they receive very little or no follow-on training unless they are assigned to a specialized unit. Although officers in the specialized units receive more training, they still have limited technical capabilities to prevent or investigate crimes. Most police officers do not get regular qualification training in firearms use, and, as a result, many officers are not qualified to use their weapons and cannot properly maintain their firearms, according to U.S. officials.

U.S. assistance helped Haiti equip its police force by supplying police vehicles, communications systems, and other equipment and supplies. However, the Haitian police force still faces severe shortages of all these items. For instance, during our visits to Saint-Marc and Jacmel, we noticed that the police stations had few vehicles, communications equipment, and other police equipment to service the large populations and territories under their jurisdictions. Moreover, U.S. officials told us that the special weapons and tactics unit could not train with its issued weapons because it did not have enough ammunition. According to U.S. officials, the effectiveness of Haitian Coast Guard is seriously constrained by its lack of bases, personnel, and equipment, particularly in the southern part of the country where the main cocaine trafficking routes are located. As a result, this unit has a limited capability to stop vessels suspected of carrying illegal cargo and emigrants.

The United States sought to help Haiti improve the investigative capabilities of its police force by providing training, technical assistance, and donations of equipment. However, the current force has made little progress in improving its investigative capabilities. For instance, U.S. officials indicated that the judicial police does not have enough trained officers to investigate crime—its primary mission—and the antinarcotics unit is too small to carry out major drug investigations. The antinarcotics unit also has limited investigative capabilities; it was until recently without a leader for months; and it consists of only 28 officers. According to an assistance agreement between the United States and Haiti, this unit was to have had about 75 officers.

Recent Problems Raise Particular Concerns About the Haitian Police

Over the past year, several problems have arisen with the Haitian police force that have raised particular concern for U.S. and other donor officials. These concerns relate to (1) the weakened position of the police Inspector General's unit, (2) the inability of the police to deal with the growing drug-trafficking threat, and (3) the signs of politicization of the police force during this past year's extended election period.

In 1995, the United States helped Haiti establish an oversight structure to monitor the conduct of its police. However, over the past year the police oversight structure has

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been crippled by the unexpected departures of the Secretary of State for Public Security and the Inspector General of the police, according to U.S., Haitian, and other donor officials. These two positions are key to ensuring the internal accountability of the police force. The U.S. Department of State noted that groups reportedly associated with former President Aristide's political party mounted a public campaign calling for the resignation of the Secretary of State for Public Security. On October 7, 1999, the Secretary resigned from his position, which remains vacant, and left the country. According to U.S. officials, the Inspector General—who was conducting investigations into human rights violations, narcotrafficking, corruption, and other offenses allegedly committed by police officers—unexpectedly left the force in April 2000 and has not been permanently replaced. According to U.S. and Haitian officials, the Inspector General's investigations had led to the dismissal of over 1,100 police officers for misconduct. As reported by the Department of State, at least 58 police officers were in prison as of September 1999 on a variety of charges. The Department noted that the police more often simply discharged officers caught committing flagrant abuses, rather than initiating legal proceedings against them. Since the departure of the Inspector General, investigations of police misconduct have dramatically decreased, opening the door to increased corruption within the force, according to U.S. and Haitian officials.

The United States also helped establish the antinarcotics unit and the Haitian Coast Guard to address the growing drug trafficking problem. U.S. estimates indicate that the percentage of cocaine coming into the United States through Haiti increased from 10 to 14 percent from 1998 to 1999. However, the Haitian police has been generally ineffective in countering the growing drug threat, due to the limited capabilities and resources of its antinarcotics unit and Coast Guard. As a result, the police has conducted few major drug-related investigations successfully. Moreover, the Haitian police does not have the resources to stop airdrops of cocaine loads to waiting land vehicles or maritime vessels.

The United States sought to help Haiti establish a professional and impartial police force. However, events over the past year have raised serious concerns about the impartiality of the force. In addition to concerns over the weakened role of the police oversight structure, as noted earlier, U.S. and other donor officials have serious concerns over the partisan role played by the police during the May 2000 parliamentary and local elections. During the extended election period, for example, the police on occasion failed to protect legal demonstrations by the opposition. According to U.S. officials, the police also arrested some opposition candidates after the elections and failed to successfully investigate major killings, including political assassinations, committed before the elections.

Assistance Helped Improve Certain Aspects of the Judicial Sector

From fiscal years 1993 through 2000, the United States provided about \$27 million to support Haiti's judicial system. The aid was intended to help Haiti improve the effectiveness of existing judicial organizations and enhance the access of the population to justice. It also was intended to help Haiti develop and implement a broad reform of the judicial sector that would enhance its independence, modernize criminal codes, and restructure judicial organizations and processes.

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USAID, its contractors, and the Department of Justice's Office of Overseas Prosecutorial Development, Assistance and Training provided most of this assistance under the USAID Administration of Justice Program. The bulk of the assistance, about \$23 million, funded (1) administrative enhancements for judicial institutions, such as case registration and tracking systems; (2) judge and prosecutor training; and (3) the establishment and operation of the magistrate school. The remaining assistance, \$4 million, funded legal assistance and education as a means of improving the access of the population to justice.

Serious Problems Remain in the Judicial Sector

Despite U.S. assistance, the Haitian judicial sector continues to exhibit major shortcomings. This sector has not undergone a major reform, and, as a result, it has outdated legal codes and cumbersome judicial proceedings. Also, it has inadequate infrastructure and shortages of personnel and equipment, and limited investigative capabilities. Furthermore, it suffers from corruption and a lack of effective internal oversight, and it serves only a small portion of the population.

Despite the constitutional mandate for an independent judicial sector, the executive branch, through the Ministry of Justice, continues to control the judicial sector, including the judicial budget and judicial appointments, training, evaluation, and removal. The lack of independence compromises the impartiality of the judicial sector, according to U.S., Haitian, and other donor officials. For instance, the Haitian government has not vigorously supported investigations and prosecutions of major crimes, including drug trafficking, major killings, and political violence. Investigations and prosecutions have moved slowly and produced very limited results, according to U.S. officials.

The judicial system is characterized by outdated legal codes and complex, time-consuming procedures. In criminal cases, many people are put behind bars in preventive detention. Some judicial institutions have large case backlogs, and criminal courts hold few jury trials every year.⁴ During our visits to judicial facilities in Port-au-Prince and Jacmel, judicial officials emphasized the urgent need for developing and implementing a comprehensive reform of the judicial sector to modernize legal codes and streamline judicial proceedings.

The judicial sector receives only 11.5 percent of the Ministry of Justice budget, and as a consequence, the sector has serious personnel shortages and inadequate infrastructure. For example, during our visits to judicial institutions in Port-au-Prince and Jacmel, Haitian officials emphasized that their institutions did not have enough personnel to conduct business adequately, given the size of the populations and territories they had to serve. We also found that prosecutors' offices, justice of the peace courts, and other courts had very basic infrastructure. One of the courts that we visited had no doors, windows, bathrooms, running water, or electricity. The courts also had serious supply shortages, including vehicles, legal texts, telephones, and office supplies. Haitian officials noted that the dire conditions of judicial facilities such as this one projected a bad image

⁴ Juries are convened only for serious criminal offenses, such as murders.

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and did not inspire respect for their institutions, seriously undermining the people's confidence in the judicial sector.

The judicial sector also has limited capabilities to investigate and prosecute cases. Judicial officials have received little professional training; have minimum resources to conduct investigations, prosecutions, and trials; have received limited support from specialized units, such as the judicial police and forensics unit; and do not have many incentives to solve major crimes. In addition, some judicial officials stated that, because they have little personal protection, they fear for their personal safety when dealing with high-profile cases, such as drug trafficking and political assassinations.

In addition, the judicial sector suffers from corruption and lacks adequate oversight to monitor the behavior of judicial officials. For instance, U.S. officials noted that the cumbersome and lengthy judicial proceedings create opportunities for corruption among judicial officials willing to accept bribes in return for advancing cases in their offices. Also, according to these officials, the Ministry of Justice has a judicial inspection unit that has limited capabilities and has done little to address corruption and other major problems of the judicial sector. Despite efforts to enhance this unit, it remains largely ineffective, according to U.S. officials.

The judicial sector continues to provide only limited access to justice for the majority of the Haitian population. For example, by not having a public defender's office, by not systematically providing legal assistance to the population, and by conducting most of its business through written procedures in French, the judicial sector remains unavailable to the majority of the population, which is poor and illiterate and speaks only Creole.

KEY FACTOR AFFECTING SUCCESS OF U.S. ASSISTANCE IS THE HAITIAN GOVERNMENT'S LACK OF COMMITMENT TO STRENGTHENING JUSTICE INSTITUTIONS

The primary factor affecting the success of U.S. assistance has been the Haitian government's lack of clear commitment to supporting the police and judicial sector and dealing with the main problems affecting these institutions.

The Haitian Government Lacks Strong Commitment to Strengthening the Police Force

U.S. assistance to the police has been undermined because the Haitian government—after showing a strong initial commitment to establishing a civilian-controlled police force—failed to (1) strengthen the organizational capabilities of the force, (2) support investigations of police corruption and serious crimes, and (3) keep the police out of politics, particularly during the past election year.

The Haitian government's failure to strengthen the organizational capabilities of the police has hindered U.S. efforts to improve the capabilities of the force, according to U.S. officials. Although the Haitian government has allocated the bulk of the Ministry of Justice budget to the police and prisons—about 83 percent of the 1996-97 budget—the

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government has weakened the police by not filling key leadership positions, such as the Inspector General and the head of the antinarcotics unit, and by not strengthening key units. For instance, since the unexpected departure of the Inspector General, his office has stopped vigorously investigating police misbehavior, including corruption. Also, some key police units, such as the antinarcotics unit, have limited capabilities because the government has not provided needed resources and personnel. According to the Department of State, the Haitian government failed to increase the size of the antinarcotics unit, as had been agreed to by the U.S. and Haitian governments.

U.S. assistance to improve the investigative capabilities of the police has been constrained by the failure of the Haitian government to support investigations of police corruption and serious crimes, including drug-related crimes and political assassinations. In March 2000, the State Department reported that the Haitian government had failed to investigate drug-related corruption involving police officers. The State Department also reported that little progress had been made in bringing to justice persons responsible for major killings, such as political killings, in Haiti. U.S. officials are concerned about the Haitian government's lack of support for the police's special investigations unit, which is responsible for investigating major killings. This unit's human resources have declined by about 80 percent since 1997.

U.S. assistance to the Haitian police has also been undermined by the Haitian government's failure to keep the police out of politics during this past election year. The force's inaction during several violent campaign incidents and its arrests of several political candidates seriously compromised the perception of police impartiality.

Haitian Government Lacks Strong Commitment to Improving the Judicial Sector

U.S. assistance to the judicial sector has been undercut because the Haitian government, after initially supporting the assistance effort, failed to follow through in implementing broad reform of the judicial sector, adopt and institutionalize many of the improvements made possible by the assistance, provide the resources needed to operate the sector adequately, build an oversight capability to monitor the sector, and vigorously support the prosecution of major crimes.

The Haitian government did not follow through in implementing a broad reform of its legal codes and judicial organization and processes – some of the measures that donors consider key to addressing the main problems of the judicial sector. The Haitian government has taken some steps since 1995 that may eventually lead to the implementation of a broad reform of the judicial sector. These steps include enacting judicial reform-related legislation in 1998, increasing judicial salaries, and pursuing further reform plans, such as expanding the use of Creole in judicial proceedings. However, none of these steps has moved significantly toward addressing the main shortcomings of the judicial sector.

Many improvements to the judicial sector made possible by the U.S. assistance have not been institutionalized because the Haitian government did not adopt and fund them.

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Although the Haitian government assumed responsibility for most of the funding for the magistrate school that was created with U.S. and other donor support, the government did not assume ownership of the improvements, such as case registration and tracking systems, made possible by U.S. assistance in the justice of the peace courts and prosecutors' offices. As a result, according to U.S. officials, after USAID stopped its assistance to the justice of the peace courts, the improvements made by this assistance disappeared.

The Haitian government has not provided the resources needed to operate judicial institutions. During our visits to judicial institutions in Port-au-Prince, Saint-Marc, and Jacmel, we saw that the judicial institutions were overwhelmed by the lack of personnel and equipment and by their poor physical conditions.

The improvements to the judicial sector made possible by U.S. assistance have also been limited because the Haitian government has not put in place an effective oversight capability to monitor the judicial sector. The Ministry of Justice has a judicial inspection unit that has limited capabilities and physical and human resources to deal with the problems of the sector, such as judicial corruption.

The Haitian government's failure to vigorously support investigations and prosecutions of serious crimes, such as drug-related crimes and political assassinations, has hindered the improvements in the prosecutorial capabilities of the judicial sector made possible by the U.S. assistance. According to U.S., other donor, and Haitian officials, prosecutors and investigating magistrates do not have an incentive to investigate and prosecute major criminal cases and, if they do investigate, they do it with the knowledge that they are risking their personal security.

Mr. Chairman and Members of the Committee, this concludes my prepared remarks. I would be happy to respond to any questions you may have.

Contact and Acknowledgments

For future contacts regarding this testimony, please call Jess T. Ford at (202) 512-4128. Individuals making key contributions to this testimony included Virginia Hughes, Juan Tapia-Videla, David Bernet, Lee Kaukas, Richard Seldin, Steve Iannucci, Douglas Ferry, and Rona Mendelsohn.

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U.S. ASSISTANCE TO THE HAITIAN
POLICE AND JUSTICE SECTOR, FISCAL YEARS 1995-2000

Table 1 shows U.S. assistance to the Haitian police force.

Table 1: International Criminal Investigative Training Assistance Program Assistance to the Haitian Police, Fiscal Years 1995-1999

Activity	Amount
Police training and donations of equipment	\$34,402,963
Construction of police academy	18,680,474
Program headquarters expenses	6,357,274
U.S. embassy support and program expenses	2,477,990
Staff salaries and benefits	1,838,928
Staff travel expenses	967,604
Antinarcotics training	347,029
Program audits	221,738
Total	\$65,294,000

Source: International Criminal Investigative Training Assistance Program.

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Table 2 shows the overall assistance provided to Haiti's judicial system under the USAID Administration of Justice Program.

Table 2: USAID Administration of Justice Program Assistance to Haitian Judicial Sector, Fiscal Years 1993-2000

Dollars in millions

Organization and activity	Amount
USAID	\$5.4
Direct aid to Ministry of Justice	2.4
Other technical and equipment assistance	0.8
USAID management	2.0
Audit of Checchi	0.2
RONCO Consulting Corporation Interim Administration of Justice Program	2.8
Checchi & Company Consultants, Inc.	11.5
Legal assistance and education	4.0
Case registration and court management	3.2
Judicial mentoring	1.8
Other technical and equipment assistance	2.5
Department of Justice's Office of Overseas Prosecutorial Development, Assistance and Training	7.0
Magistrate school	2.1
Case tracking system	0.5
Model jurisdiction program and related assistance	4.4
Total	\$26.7

Source: GAO analysis of USAID data.

USAID provided \$2.4 million in direct aid and \$0.8 million in technical and equipment assistance to the Haitian Ministry of Justice in fiscal years 1993-2000 and incurred \$2.2 million in management costs for its Administration of Justice Program.

RONCO provided \$2.8 million in aid from June 1995 to July 1996. This contractor

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primarily focused on refurbishing, equipping, and providing administrative and logistical support to the magistrate school established in 1995.

Checchi provided \$11.5 million in assistance August 1995 to August 1999. Under its contract with USAID, Checchi focused its efforts on three activities: legal assistance and education, case tracking and court management, and judicial mentoring.

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